



Stable One
more than a place to stay

Leaving a Legacy



Stable One is a not-for-profit organisation whose primary mission is to support the Church to work together to share the love of God by providing accommodation to those in need. To journey with each person towards stability, offering physical and spiritual care. Our vision is to provide *more than a place to stay*.

Stable One has produced this booklet to assist you to make informed decisions about your Will and give you the opportunity to consider leaving a lasting legacy through your estate.

Statistics tell us that more than 50% of Australian adults do not have a valid Will. For many, the topic of Wills and mortality are confronting and, therefore, ignored.

However, it is important for your future wellbeing and for your family's peace of mind that you have an understanding of what is required to make a Will and how preparing a Will can help prevent uncertainty and avoid potential disputes in the future.

Our aim in creating this booklet is to present an overview of Wills and a short summary on bequests to assist you in planning your affairs. This booklet is intended as a guide only and it is not a substitute for legal advice but we hope that it helps to familiarise you with the major things that you need to think about.

We hope you find it a helpful resource.

About Stable One

Stable One began in 2017 in response to the critical need for crisis accommodation in the Yarra Valley. Churches from many denominations came together to operate a Winter Night Shelter, opening their buildings and offering shelter to people experiencing homelessness. Stable One went on to resource and support the Church in other areas to replicate the model. 2020 provided an opportunity to develop a new program at 'The Lodge' – supported accommodation offering a community that cares, connects and empowers people experiencing homelessness. Managed by Stable One in partnership with individuals, churches, businesses, community organisations, professional supports and homelessness services, this program provides a crucial component on the pathway out of homelessness. It is a local response for local people. Prayer and large numbers of volunteers continue to underpin every Stable One project.

Giving back life – you can help

The act of giving property or money to Stable One by your Will, which is commonly known as “leaving a bequest”, is a generous act of compassion that can make a powerful difference to the lives of Australians, giving hope and tangible assistance.

Why consider a bequest to Stable One?

Bequests enable Stable One to plan ahead and ensure we remain well-resourced to support some of the most vulnerable and marginalised people in our communities. Bequests provide the security to enable Stable One to journey with those in need for many years to come.

What will your bequest achieve?

Your generous bequest to Stable One will have a powerful and enduring positive impact. Your bequest will help:

- Create communities of supported accommodation that care, connect and empower people experiencing homelessness.
- Recruit, train and nurture staff, volunteers and partners.
- Stable One support the Church to replicate programs in other communities.



Bequest wording

If you would like to leave a bequest to Stable One we suggest that the following wording be used.

a) For a specific sum:

I give to Stable One Ltd, PO Box 204, Mount Evelyn, VIC 3140 ABN 83616398442 a legacy of \$_____ to be used for the charitable purposes of the organisation. I direct that the receipt of the Chief Executive Officer or Secretary of such organisation shall be sufficient discharge for my Executor without the necessity to see to the application of such legacy.

b) For a percentage of the Estate:

I give to Stable One Ltd, PO Box 204, Mount Evelyn, VIC 3140 ABN 83616398442 _____% of the rest and residue of my Estate to be used for the charitable purposes of such organisation. I direct that the receipt of the Chief Executive Officer or Secretary of such organisation shall be sufficient discharge for my Executor without the necessity to see to the application of such legacy.

c) For the whole of the rest and residue of the Estate:

I give to Stable One Ltd, PO Box 204, Mount Evelyn, VIC 3140 ABN 83616398442 the whole of the rest and residue of my Estate to be used for the charitable purposes of such organisation. I direct that the receipt of the Chief Executive Officer or Secretary of such organisation shall be sufficient discharge for my Executor without the necessity to see to the application of such legacy.

Stable One recommends that you seek legal advice when preparing or revising your Will. This is very important because it will help ensure that your Will is valid.

It is also important to make sure that you have made adequate provision for your family before making a gift to Stable One because a failure to provide for your immediate family can result in your Will, and the gift to Stable One, being challenged.



Why have a Will?

A Will is probably one of the most important legal documents that you will sign during your life-time.

A Will determines, among other things, the following –

1. Who is to be in charge of the administration of your estate (the executor); and
2. How your estate is to be distributed;
3. Any other specific directions that you may want to leave (eg, distribution of personal items such as heirlooms and wishes about your funeral).

Writing a Will can help avoid uncertainty and dispute after you die. It is recommended that you review and, if necessary, revise your Will every few years.

What if I don't have a Will?

If you die without a Will, you die intestate. In this situation your estate is distributed in accordance with a Government formula that is inflexible.

This often creates problems such as;

1. There being no executor appointed. This means that no-one has the immediate authority to take control of your estate and deal with your assets and liabilities. Disputes can arise about who should apply to be appointed as Administrator of your estate.
2. Uncertainty about the distribution of the estate. Your estate may be distributed to unintended beneficiaries in accordance with the Government formula.
3. You lose the ability to deal specifically with the distribution of your personal chattels (such as family heirlooms or items of sentimental importance).
4. Disputes between family members because of uncertainty;

The requirements for making a Will

A Will is a legal document. There are requirements that will ensure that the Will is valid. They are –

1. The Will must be signed by you and two adult witnesses on the bottom of each page and on the back page.
2. You and the witnesses should all use the same pen (this is the best evidence that all three of you were present at the same time).
3. The Will should be dated.

If your Will doesn't comply with all of these requirements it may be held to be invalid and you might die intestate (without a Will).

Appointing an executor

Your Will will nominate an executor. Your executor is responsible for administering your estate. Their main duties are –

1. Arranging your funeral.
2. Ensuring that your assets are insured and protected.
3. Working out what your assets and liabilities are.
4. Applying for probate of the Will where necessary.
5. Making sure all your debts are paid, including tax.
6. Distributing your estate as set out in your Will.
7. Defending the Will against any challenges.

You should appoint a person or people you trust. It is a good idea to ask your executor first and then let them know where the original document is stored so they can retrieve it when they need to act. Your executor can also be a beneficiary of your Will.

Distribution of personal chattels

You may have items that are important to you or other family members. You can make gifts of these items in your Will.

To make your executor's job as easy as possible, you should clearly describe the items to be gifted and even store photos of them with your Will so that they are easily identifiable. You might consider taking photos of these items and leaving the photos with your Will.

Special requests

You can provide instructions in your Will relating to matters such as –

1. Funeral arrangements.
2. Disposal of your body.
3. The format and content of your funeral.

If you don't want to put this information in your Will you can write it down separately and give it to your executor. This will make their job much easier.

Appointment of guardian for minor children

You can specify in your Will who you want to take responsibility for your children should they be young when you die. It is the guardian's job to make the important life decisions for the children while they are under eighteen years of age.

You can also provide some instructions for the guardian about the types of decisions you want them to make.

The appointment of a guardian can be complex because you often have to balance sensitive family relationships.

What about my Superannuation?

Your superannuation (and any life insurance attached to it) are not automatically part of your estate. During your life-time your member balance is held on your behalf by the trustee of your super fund.

At your death, the trustee then needs to work out where to pay the benefits (eg, directly to one of your dependents or to your estate). The trustee's decision will depend on whether you have made a beneficiary nomination.

Nominations are either binding or non-binding.

- 1. Binding nominations** – A binding nomination allows you to direct the trustee to pay your benefits to a particular person. The trustee has no discretion. These are usually valid for three years and need to be updated.
- 2. Non-binding** – A non-binding nomination is merely an expression of a wish and is not binding on the trustee.

Storing your documents

You should store your Will in a safe place and you should tell your executor and your family where the original document is located. It is a good idea to not store the original at home because it may get lost or destroyed accidentally.

Will FAQs

Can a Will be revoked?

Yes. A Will can be revoked intentionally by destroying it or by making a new Will or, unintentionally, by marrying.

What is a codicil?

A codicil is a document used to amend specific provisions of a Will. A codicil should only be used to make very minor changes to a Will. If ever you plan to make extensive changes to your Will, it is strongly recommended that you make a new one.

What does it mean to die 'Intestate'?

If a person dies intestate, it means that they have died without a Will. When this occurs, the intestate person's assets are distributed according to a rigid formula prescribed by the government in each State and Territory, referred to as the 'intestacy laws'.

Checklist - Your Will

Do you have a current, up-to-date Will?	Yes/No
Does your Will clearly state how your assets should be distributed and debts paid?	Yes/No
Are all of your beneficiaries still alive?	Yes/No
Have you reviewed your Will recently?	Yes/No

If you answered "No" to any of these questions, it is strongly recommended that you write or update your Will under the guidance of a solicitor.

Legal advice

Stable One has made every effort to ensure that the information contained herein is accurate, correct and current. Please contact your legal advisor to obtain detailed information applicable to your situation.

Disclaimer

The information contained in this booklet is for educational and reference purposes only and is not intended to serve as a replacement for professional legal advice. Any use of the information in this book is at the reader's discretion. To the fullest extent permissible under law, Stable One specifically disclaims any and all liability for loss or damage caused to any person or entity howsoever arising directly or indirectly from the use or reliance on any information contained in this booklet. A legal professional should be consulted regarding your specific situation, prior to making any personal arrangements.



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